

REMARKS

Claims 10 – 24 remain in this application. Claim 10 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 10 has been amended to include the limitations that the biodegradable aliphatic polyester resin (X) has a melt flow index (MI_E) as measured at 190°C with a load of 21.2 N, the polyolefin resin (Y) has a melt flow index (MI_{PO}) as measured at 190°C with a load of 21.2 N, the biodegradable aliphatic polyester resin (X) and the polyolefin resin (Y) are melt-mixed, and a ratio (MI_E/MI_{PO}) of the melt flow index (MI_E) to the melt flow index (MI_{PO}) is in the range of 0.1 to 10. Support for these amendments can be found, for example, in the specification from page 12, line 23 – page 13, line 1.

In the Office Action, claims 10 – 13, 15 – 20, 22 and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by Ota et al. (U.S. Patent Application Pub. No. 2003/0055179, hereinafter “Ota”). Claim 24 was also rejected under 35 U.S.C. 102(b) as being anticipated by Ota. Applicant respectfully traverses these rejections.

With respect to independent claims 10 and 24, the resin composition of the present invention is a composition in which a biodegradable polyester resin and a polyolefin that each have a melt flow index in a specific range are melt-mixed. Advantages of the composition of the present invention are described in the specification from page 12, line 23 through page 13, line 1.

In contrast to the present invention, Ota discloses a block copolymer of lactide and polypropylene, i.e., a diblock copolymer of polypropylene-O-poly lactide (PP-O-PLa) in which the terminal position of the polypropylene is replaced by a hydroxyl group and the lactide is reacted with the hydroxyl group (see Example 55 and paragraphs [2443] – [2454]). The composition of Ota is different from the resin composition of the present invention. More specifically, the resin composition of the present invention is different from a block copolymer obtained by bonding a biodegradable aliphatic polyester resin and a polyolefin resin in a specific manner as disclosed by Ota.

Further, Ota discloses in Comparative Example 12 (see paragraph [2480]) that polylactic acid (B1) and propylene/ethylene block copolymer (C2) were melt blended. However, Ota does not disclose or fairly suggest a resin composition in which a biodegradable polyester resin and a polyolefin which have a melt flow index in the specifically claimed range are melt-mixed.

Furthermore, Ota discloses in Example 60 (see paragraph [2478]) that a composition of a 10 wt% diblock copolymer (PP-O-PLa), 60 wt% polylactic acid (B1), and 30 wt% propylene/ethylene block copolymer (C2) was prepared. Also, Ota discloses in paragraph [1485] that the diblock copolymer (PP-O-PLa) has a MFR of 0.05 – 100 g/10 min (at 230°C under 2.16 kg). Moreover, Ota discloses in Example 60 that the propylene/ethylene block copolymer (C2) had a MFR of 25 g/10 min. However, Ota does not disclose or fairly suggest that advantageous effects can be obtained as in the present invention by specifying MFRs of polylactic acid and propylene/ethylene block copolymer in the resin composition that is composed of polylactic acid and propylene/ethylene block copolymer but does not contain a diblock copolymer (PP-O-PLa).

For these reasons, claims 10 and 24 are patentable over Ota. Claims 11 – 13, 15 – 20, 22 and 23, depending directly or indirectly from claim 10, are also patentable over Ota. Accordingly, applicant respectfully requests that the Section 102(b) rejection of claims 10 – 13, 15 – 20, and 22 – 24 as being anticipated by Ota be withdrawn.

Claims 14 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Ryan et al. (U.S. Patent No. 6,506,873, hereinafter “Ryan”). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made with respect to the patentability of claim 10 over Ota. Based upon those arguments, claim 10 is patentable over Ota. Claims 14 and 21, depending directly or indirectly from claim 10, are also patentable over Ota, and any combination of Ota with Ryan. Therefore, applicant respectfully requests that the Section 103(a) rejection of claims 14 and 21 as being unpatentable over Ota in view of Ryan be withdrawn.

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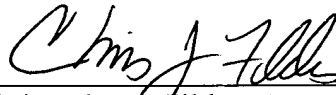
A Request for Continued Examination (RCE) and a PTO-2038 authorizing payment in the amount of \$810.00 to cover the fee under 37 CFR 1.17(e) are included with this response.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

Kazue Ueda et al.

Fildes & Outland, P.C.

A handwritten signature in cursive script, appearing to read "Chris J. Fildes", written in black ink.

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